

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD RAY BYARGEON, JR.,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:14-cv-00512

JOANNE SANBORN, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**

This matter is before the Court regarding Plaintiff's failure to prosecute and comply with the rules and orders of this court. Plaintiff's counsel was permitted to withdraw on March 16, 2015 (Dkt. 34) and Plaintiff was given until April 13, 2015 to secure counsel. No one has appeared for Plaintiff. Plaintiff did not appear for a motion hearing set for April 30, 2015, nor did he contact the Court, resulting in an order to show cause (Dkt. 43) set for hearing on May 29, 2015. The docket reflects the order was mailed to Plaintiff at his address of record on May 4, 2015. Plaintiff failed to appear or contact the court regarding the show cause hearing. Plaintiff was warned that this report and recommendation would issue if he failed to appear.

Thus, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: May 29, 2015

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).